IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7510 OF 2002

Shri.Tukaram Gaurya Ladge .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr.R.K.Mendadkar for the Petitioner.
Mr.C.R.Sonawane, AGP for the Respondents.

CORAM: S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

DATE : 6.12.2004.

P.C.:

1. Rule. Rule is made returnable forthwith by consent. Heard the learned Counsel for the Petitioner and the learned AGP for the Respondents. The learned AGP for the Respondents waives service.

2. By this Petition, the Petitioner is challenging the order dated 27.8.2002 passed by Respondent No.2 - Scrutiny Committee. We have perused the impugned order. It appears that the said Committee has considered only four documents as referred to in paragraph No.2 of the said order. On the contrary, the learned Counsel for the Petitioner contends that the petitioner had forwarded alongwith his letter dated 18.8.2002 around 47 documents of various close relatives indicating that they all belong to Hindu Mahadeo Koli. Having regard to the facts and circumstances of the case, especially in view of the fact that the said Committee has not considered all the aforesaid 47 documents, we are inclined to quash and set aside the impugned order. The

impugned order is therefore quashed and set aside and the Respondent No.2 - Scrutiny Committee is directed to consider the claim of the Petitioner as Mahadeo Koli, Scheduled Tribes, afresh, based on all the aforesaid 47 documents. The Respondent No.2 - Committee shall give an opportunity of personal hearing to the Petitioner and shall pass the reasoned order as expeditiously as possible preferrably on or before 30.6.2005.

3. The learned Counsel for the Petitioner states that the Petitioner will appear before the Respondent No.2-Committee on 20.12.2004 to enable the Committee to fix the schedule of hearing.

4. It is made clear that in the event the order of the Respondent No.2 - Committee were to be adverse to the Petitioner, the same shall not be given effect for a period of two weeks from the date of communication of the said order to the Petitioner.

5. Writ Petition stands disposed of in the above terms.

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